

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**RENITA CHALEPAH, as personal
representative of the estate of Zachary
Nicholas Bear Heels for the benefit of the
heirs and next of kin and as personal
representative of the estate of Zachary
Nicholas Bear Heels, deceased;**

Plaintiff,

vs.

**THE CITY OF OMAHA, a Nebraska
Political Subdivision, et al.,**

Defendants.

8:18CV381

**THIRD AMENDED
FINAL PROGRESSION ORDER**

This matter comes before the Court on the Defendants' Motion for an Extension of the Progression Order ([Filing No. 67](#)) and the Plaintiff's Motion to Extend the Progression Order ([Filing No. 68](#)). After review of the parties' motions, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Defendants' Motion for an Extension of the Progression Order ([Filing No. 67](#)) and the Plaintiff's Motion to Extend the Progression Order ([Filing No. 68](#)) are granted, in part, and the second amended final progression order is amended as follows:

- 1) The deadline for the defendant to identify expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is **February 10, 2020**.
- 2) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **March 2, 2020**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **March 16, 2020**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:	April 13, 2020
For the defendants:	May 18, 2020
Plaintiffs' rebuttal:	June 15, 2020

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 4) The deposition deadline is **July 20, 2020**.
- 5) The status conference scheduled for May 8, 2020, is cancelled. A status conference to discuss dispositive motions, the pretrial conference and trial dates, and settlement status will be held with the undersigned magistrate judge on **July 27, 2020**, at **11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **August 24, 2020**.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is **August 24, 2020**.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 16th day of January, 2020.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge